

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS ON :  
SEPTEMBER 11, 2001 : MDL 03-1570 (GBD)(SN)

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This Document Relates To:

*Havlish, et al. v. bin Laden, et al.*, Case No. 03-CV-09848  
*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-CV-06977  
*Burnett, Sr., et al., v. Islamic Republic of Iran*, Case No. 15-CV-9903  
*Burlingame, et al. v. bin Laden, et al.*, Case No. 02-CV-07230  
*Bauer, et al. v. al Qaeda Islamic Army, et al.*, 02-CV-02-CV-07236  
*O'Neill, Sr., et al. v. Republic of Iraq, et al.*, Case No. 04-CV-1076  
*Federal Insurance Co., et al. v. al Qaida, et al.*, Case No. 03-CV-06978

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*Dillaber et al v. Islamic Republic of Iran et al.*, Case No. 18-CV-03162  
*Agyeman et al v. Islamic Republic of Iran et al.*, Case No. 18-CV-05320  
*Morris et al v. Islamic Republic of Iran et al.*, Case No. 18-CV-05321  
*Derubbio et al v. Islamic Republic of Iran et al.*, Case No. 18-CV-05306  
*Schlissel et al v. Islamic Republic of Iran et al.*, Case No. 18-CV-05331  
*Kamardinova et al v. Islamic Republic of Iran et al.*, Case No. 18-CV-05339  
*Ades et al v. Islamic Republic of Iran et al.*, Case No. 18-CV-07306

ORDER

REGARDING THE *HAVLISH* PLAINTIFFS' RENEWED MOTION  
FOR AN ORDER CREATING A COMMON BENEFIT FUND AND  
AUTHORIZING CERTAIN DISBURSEMENTS THEREFROM

The *Havlish* Plaintiffs have moved this Court, pursuant to its inherent equitable powers, to enter an Order to create a common benefit fund, and, further, authorizing certain disbursements therefrom. This Order pertains to all member cases of this MDL, pending and future, that have named as defendant(s) the Islamic Republic of Iran and/or its agencies and instrumentalities.

The *Havlish* Plaintiffs' Motion is hereby GRANTED.

The *Havlish* attorneys shall establish a common benefit fund, to be administered by the

lead counsel for the *Havlish* Plaintiffs.

The Court finds that the *Havlish* attorneys have performed substantial legal services and incurred expenses in developing and presenting the evidence and legal argument that established liability against Iran and resulted in the *Havlish* Judgment and the *Havlish* Findings of Fact and Conclusions of Law. All of these services and expenses, and the *Havlish* evidence, the *Havlish* Findings of Fact and Conclusions of Law, and the *Havlish* Judgment, were subsequently relied up, cited, used, and may in the future be relied upon, cited, and used in cases pending and yet to be filed in these MDL proceedings, to produce liability and damages findings and, ultimately, final judgments for the Responding Plaintiffs against Iran and/or Iran's agencies and instrumentalities in these MDL proceedings.

The Court directs the Responding Plaintiffs and their counsel, and all future Plaintiffs, and their counsel, that obtain judgment against Iran and/or its political subdivisions, agencies or instrumentalities to: (1) set aside twelve percent (12%) of any amounts collected on the Responding Plaintiffs' judgments by any means; (2) deposit such assessed amounts into the common benefit fund escrow account to be established and maintained by lead counsel for the *Havlish* Plaintiffs; and (3) to notify *Havlish* lead counsel of the origin or source of such collected funds.

Further, to the extent such deposited funds were derived from payments to Responding Plaintiffs, or all future Plaintiffs that obtain judgment against Iran and/or its political subdivisions, agencies or instrumentalities, by the United States Victims of State Sponsored Terrorism Fund ("USVSST Fund"), this Court directs that such funds may be distributed to the *Havlish* attorneys as reimbursement of costs associated with, and compensation for, the benefit bestowed upon Responding Plaintiffs.

Further, to the extent such deposited funds are derived from judgment collection sources other than the USVSST Fund, whenever they occur, distribution of such funds to the *Havlisch* attorneys, or to other attorneys, or to the Responding Plaintiffs and their counsel who made the deposit, in whole or in part, shall be subject to the Court's consideration of the particular facts and circumstances surrounding such judgment collection(s), and shall be subject to further order(s) by the Court. Counsel for any party in the cases against Iran may make such an application, and shall give notice of same to the *Havlisch* Plaintiffs' counsel and all counsel in the cases involving Iran in these MDL proceedings.

**SO ORDERED.**

DATE: \_\_\_\_\_  
New York, New York

GEORGE B. DANIELS  
UNITED STATES DISTRICT JUDGE